

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

HELEN AROCHA-LEZAMA,

Plaintiff,

v.

Case No. 13-12593

Honorable Denise Page Hood

MB&T FINANCIAL SERVICES, INC.,

Defendant.

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**ORDER DISMISSING CASE FOR LACK OF PROSECUTION**

On June 13, 2013, Plaintiff Helen Arocha-Lezama filed the instant action against Defendant MB&T Financial Services, Inc. On June 14, 2013, a summons was issued by the Clerk of the Court. On December 9, 2013, the Court issued an Order to Show Cause for Plaintiff to show why the case should not be dismissed for failure to prosecute. A response was filed by Plaintiff on December 23, 2013.

Plaintiff asserts that because Plaintiff's counsel changed his mailing address he and his client were unable to effectively communicate. Plaintiff's counsel also claims that he never received a scheduling order from the Court, nor did he receive an Answer to the Complaint from the opposing party.

E.D. Mich. LR 11.2 provides that it is the attorney's and any unrepresented party's duty to provide the Court with any new contact information. No scheduling order has been entered in this matter since no appearance has been entered on behalf

of the Defendant.<sup>1</sup> There is no indication that Defendant has been served, nor a Clerk's Entry of Default requested by Plaintiff. Plaintiff has not taken any action since December 2013 to prosecute this action.

Rule 41(b) of the Rules of Civil Procedure and E.D. Mich. LR 41.2 provide for dismissal of a case based on failure to prosecute. Although Plaintiff filed a response to the Court's Order to Show Cause on December 23, 2013, Plaintiff has since failed to prosecute this action. As noted above, there is no indication that Defendant was served. Even if Defendant was served, Plaintiff did not request a Clerk's Entry of Default for Defendant's failure to file a timely Answer. Accordingly,

IT IS ORDERED that this action is DISMISSED for lack of prosecution under Fed. R. Civ. P. 41(b) and E.D. Mich. LR 41.2.

s/ Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

DATED: May 22, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 22, 2014, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager

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<sup>1</sup> It is noted that as of November 30, 2005, all papers and orders must be filed electronically. Counsel receives a Notice of Electronic Filing via counsel's email address as to any filed motions, papers or orders.